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**ENVIRONMENTAL PROTECTION AGENCY**

**40 CFR Part 721**

**[EPA-HQ-OPPT-2014-0702; FRL-9924-09]**

**RIN 2070-AB27**

**Revocation of Significant New Uses of Metal Salts of Complex Inorganic Oxyacids**

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Final rule.

**SUMMARY:** EPA is revoking the significant new use rule (SNUR) promulgated under section 5(a)(2) of the Toxic Substances Control Act (TSCA) for two chemical substances that were identified generically as metal salts of complex inorganic oxyacids, which were the subject of premanufacture notices (PMNs) P-89-576 and P-89-577. EPA issued a SNUR based on a TSCA section 5(e) consent order designating certain activities as significant new uses. EPA has received test data for the chemical substances and is revoking the SNUR.

**DATES:** This final rule is effective [*insert date 60 days after date of publication in the Federal Register*].

**ADDRESSES:** The docket for this action, identified by docket identification (ID) number EPA-HQ-OPPT-2014-0702, is available at <http://www.regulations.gov> or at the Office of Pollution Prevention and Toxics Docket (OPPT Docket), Environmental Protection Agency Docket Center

(EPA/DC), West William Jefferson Clinton Bldg., Rm. 3334, 1301 Constitution Ave., NW., Washington, DC. The Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Public Reading Room is (202) 566-1744, and the telephone number for the OPPT Docket is (202) 566-0280. Please review the visitor instructions and additional information about the docket available at <http://www.epa.gov/dockets>.

**FOR FURTHER INFORMATION CONTACT:** *For technical information contact:* Jim Alwood, Chemical Control Division, Office of Pollution Prevention and Toxics, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460-0001; telephone number: 202 564-8974; email address: [alwood.jim@epa.gov](mailto:alwood.jim@epa.gov).

*For general information contact:* The TSCA-Hotline, ABVI-Goodwill, 422 South Clinton Ave., Rochester, NY 14620; telephone number: (202) 554-1404; email address: [TSCA-Hotline@epa.gov](mailto:TSCA-Hotline@epa.gov).

## **SUPPLEMENTARY INFORMATION:**

### **I. Does this Action Apply to Me?**

You may be potentially affected by this action if you manufacture (including import), process, or use the chemical substances contained in this rule. Potentially affected entities may include, but are not limited to:

- Manufacturers or processors of the chemical substances (NAICS codes 325 and 324110), e.g., chemical manufacturing and petroleum refineries.

This listing is not intended to be exhaustive, but rather provides a guide for readers regarding entities likely to be affected by this action. Other types of entities not listed in this unit

could also be affected. The North American Industrial Classification System (NAICS) codes have been provided to assist you and others in determining whether this action might apply to certain entities. To determine whether you or your business may be affected by this action, you should carefully examine the applicability provisions in § 721.5. If you have any questions regarding the applicability of this action to a particular entity, consult the technical person listed under **FOR FURTHER INFORMATION CONTACT**.

This action may also affect certain entities through pre-existing import certification and export notification rules under TSCA. Chemical importers are subject to the TSCA section 13 (15 U.S.C. 2612) import certification requirements promulgated at 19 CFR 12.118 through 12.127 and 19 CFR 127.28. Chemical importers must certify that the shipment of the chemical substance complies with all applicable rules and orders under TSCA. Importers of chemicals subject to a SNUR must certify their compliance with the SNUR requirements. The EPA policy in support of import certification appears at 40 CFR part 707, subpart B. Importers of the chemical, the subject of this action, would no longer be required to certify compliance with the SNUR requirements if the revocation becomes effective. In addition, if this proposed SNUR revocation becomes effective, persons who export or intend to export the chemical that is the subject of this action would no longer be subject to the TSCA section 12(b)(15 U.S.C. 2611(b) export notification requirements at 40 CFR part 707, that are currently triggered by the SNUR.

## **II. Background**

### *A. What Action is the Agency Taking?*

In the **Federal Register** of December 17, 2014 (79 FR 75111) (FRL-9919-93), EPA proposed a revocation of the SNUR at 40 CFR 721.4680 for the chemical substances identified generically as metal salts of complex inorganic oxyacids (PMNs P-89-576 and P-89-577). This

SNUR designated certain activities as significant new uses based on a TSCA section 5(e) consent order for the PMNs that was issued under TSCA sections 5(e)(1)(A)(i), and 5(e)(1)(A)(ii)(II) based on a finding that the substances may be produced in substantial quantities and there may be significant (or substantial) human exposure to the substances. Subsequently, a manufacturer of the PMN substances petitioned EPA to revoke the SNUR based on the results of the submitted acute dermal study, a 28-day oral toxicity study, and mutagenicity study for P-89-576. Based on the results of the testing, EPA determined that both substances have inherently low toxicity. EPA received one comment to the proposed SNUR revocation supporting the finding that the PMN substances have low toxicity. EPA is now revoking the SNUR pursuant to 40 CFR 721.185.

*B. What is the Agency's Authority for Taking this Action?*

Upon conclusion of the review for P-89-576 and P-89-577 in 1990, EPA designated certain activities as significant new uses based on a TSCA section 5(e) consent order for the PMNs that was issued under TSCA sections 5(e)(1)(A)(i), and 5(e)(1)(A)(ii)(II) based on a finding that the substances may be produced in substantial quantities and there may be significant (or substantial) human exposure to the substances. Under § 721.185, EPA may at any time revoke a SNUR for a chemical substance which has been added to subpart E of 40 CFR part 721 if EPA makes one of the determinations set forth in § 721.185(a)(1) through (a)(6). Revocation may occur on EPA's initiative or in response to a written request. Under § 721.185(b)(3), if EPA concludes that a SNUR should be revoked, the Agency will propose the changes in the **Federal Register**, briefly describe the grounds for the action, and provide interested parties an opportunity to comment.

EPA has determined that the criteria set forth in § 721.185(a)(6) have been satisfied for the chemical substances, proposed the SNUR revocation, and received a public comment

supporting the SNUR revocation; therefore, EPA is revoking the SNUR for these chemical substances. The significant new use notification and the recordkeeping requirements at 40 CFR 721.4680 will terminate when the SNUR revocation becomes effective. In addition, export notification under TSCA section 12(b) and 40 CFR part 707, subpart D triggered by the SNUR will no longer be required.

### **III. Statutory and Executive Order Reviews**

This rule will revoke or eliminate an existing regulatory requirement and does not contain any new or amended requirements. As such, the Agency has determined that this SNUR revocation would not have any adverse impacts, economic or otherwise.

The Office of Management and Budget (OMB) has exempted these types of regulatory actions from review under Executive Order 12866, entitled *Regulatory Planning and Review* (58 FR 51735, October 4, 1993). This rule does not contain any information collections subject to approval under the *Paperwork Reduction Act (PRA)*, (44 U.S.C.3501 *et seq.*). Since this rule eliminates a reporting requirement, the Agency certifies pursuant to section 605(b) of the *Regulatory Flexibility Act (RFA)* (5 U.S.C.601 *et seq.*), that this SNUR revocation will not have a significant economic impact on a substantial number of small entities.

For the same reasons, this action does not require any action under Title II of the *Unfunded Mandates Reform Act of 1995 (UMRA)* (Pub.L.104-4). This rule has neither Federalism implications, because it will not have substantial direct effects on States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government, as specified in Executive Order 13132 entitled *Federalism* (64 FR 43255, August 10, 1999), nor Tribal implications, because it will not

have substantial direct effects on one or more Indian Tribes, on the relationship between the Federal Government and Indian Tribes, or on the distribution of power and responsibilities between the Federal Government and Indian Tribes, as specified in Executive Order 13175 entitled *Consultation and Coordination with Indian Tribal Governments* (65 FR 67249, November 9, 2000).

This action is not subject to Executive Order 13045 entitled *Protection of Children from Environmental Health Risks and Safety Risks* (62 FR 19885, April 23, 1997), because this is not an economically significant regulatory action as defined under Executive Order 12866, and it does not address environmental health or safety risks disproportionately affecting children. This action is not subject to Executive Order 13111, entitled *Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use* (66 FR 28355, May 22, 2001), because this action is not expected to affect energy supply, distribution, or use. Because this action does not involve any technical standards, section 12(d) of the National Technology Transfer and Advancement Act of 1995 (NTTAA), Public Law 104-113, section 12(d) (15 U.S.C. 272 note), does not apply to this action. This action does not involve special considerations of environmental justice related issues as required by Executive Order 12898 entitled *Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations* (59 FR 7629, February 16, 1994).

#### **IV. Congressional Review Act (CRA)**

Pursuant to the Congressional Review Act (5 U.S.C. 801 *et seq.*), EPA will submit a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the **Federal Register**. This action is not a “major rule” as defined by 5 U.S.C. 804(2).

**List of Subjects in 40 CFR Part 721**

Environmental protection, Chemicals, Hazardous substances, Reporting and recordkeeping requirements.

Dated: March 12, 2015.

Maria J. Doa,

*Director, Chemical Control Division.*

Therefore, 40 CFR chapter I is amended as follows:

**PART 721--[AMENDED]**

1. The authority citation for part 721 continues to read as follows:

**Authority:** 15 U.S.C. 2604, 2607, and 2625(c).

**§ 721.4680 [Removed]**

2. Remove § 721.4680.

**[FR Doc. 2015-06474 Filed: 3/23/2015 08:45 am; Publication Date: 3/24/2015]**